

REMARKS

The specification has been amended to correct the informalities pointed out by the Examiner, and an abstract has been added to the application. The applicant appreciates the review and suggestions of the Examiner.

Except for claim 4, the claims have been amended. The claims remaining for further prosecution are 1 through 10.

The Examiner has rejected the claims of this application as unpatentable over Monget et al. under 35 USC 103(a). The Examiner has correctly noted that applicant's claims distinguish the Monget patent by reciting a plurality of chromogenic substrates that do not respond to Salmonella bacteria, but respond to beta-galactosidase to produce colonies in the media of substantially the same color. The applicant believes this mixture constitutes patentable subject matter, and respectfully disagrees with the Examiner's rejection of the claims in this application..

The Inventor's media for detecting the presence of Salmonella bacteria in a mixed test sample combine a carbohydrate/dye detection system with a differentiation system that utilizes two different chromogenic substrates. The selected carbohydrate is chosen for its activity with respect to Salmonella and to provide selectivity for detection of Salmonella. It is selected to achieve selectivity to Salmonella and as broad a spectrum of Salmonella species as desired. Differentiation of non-Salmonella bacteria is achieved by multiple substrates.

The chromogenic substrates are selective. As stated in the specification at page 9, last paragraph through page 10, line 5:

"From Table 2, it is clear that the medium of the present invention is highly selective for Salmonella spp. and Salmonella typhi bacteria, and that samples containing mixed bacteria on plates of that medium that have been properly incubated are readily assayed because the target colonies are uniquely colored. The use of a carbohydrate and a pH indicator dye to color colonies of the target bacteria and multiple chromogenic substrates to color colonies of non-target bacteria has provided improved selectivity and facilitated assaying. Salmonella bacteria are positive with respect to the selected carbohydrate, and negative with respect to the substrates, thus forming colonies with the color of the dye. Non-target bacteria are positive with respect to one or both substrates. If the non-target bacteria are negative with respect to the carbohydrate, colonies of these bacteria assume the color of the substrate. If the non-target bacteria is also positive with respect to the carbohydrate, colonies of these bacteria will assume a color that is a blend of the color of the dye and the active substrate."

Note that "Non-target bacteria are positive with respect to one or both substrates." Those non-target bacteria that are positive with respect to one substrate would not produce colored colonies of the non-target color if

only the non-reacting substrate is incorporated into the plating medium. Hence the use of multiple substrates extends the differentiation process in the medium and increases the ease with which the plate can be assayed.

The claims have been amended to insert the words "some non-target bacteria reacting with the first substrate but not the second substrate and other non-target bacteria reacting with the second substrate but not the first substrate" to emphasize this feature of the invention. It is believed that the limitation of multiple chromogenic substrates clearly distinguishes the cited references and creates the unexpeded result that produces invention.

The Examiner's attention is also directed to the combinations set forth in the narrower dependant claims. By providing multiple differentiation processes, the applicant has increased his options in selecting the carbohydrate for reacting to the Salmonella. Claims 2, 9 and 10 set forth the combination of the specific carbohydrates and multiple substrates that achieve the outstanding results of the invention. Other dependant claims recite the specific substrates to achieve the applicant's exceptional results.

It is believed that claims 1 through 10 are proper in form and directed to patentable subject matter.

Favorable action is solicited.

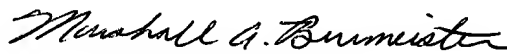
Respectfully submitted,



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CERTIFICATE OF MAILING

I hereby certify that the foregoing AMENDMENT is being deposited with the U.S. Postal Service, postage prepaid, first class mail, in an envelope addressed to the Mail Stop RESPONSE - NO FEE
Hon. Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, this 11th day of August 2003.



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